

REMARKS

Claims 13-17 are pending. The Examiner withdrew claims 1-12 and 18-24 from consideration, and the Applicant canceled the claims without prejudice or disclaimer in the Response filed September 30, 2003. By this Amendment, claims 13-14 and 16-17 are amended. No new matter is presented.

Entry of Response Proper

Entry of this Response is proper under 37 C.F.R. §1.116 since the amendments and corresponding comments herein: (a) explain why the application is currently in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as claim 13 is amended to delete the term "at least one" from therein to clarify the moving mechanism element recited therein moves both holders to alter the gap between the first and second measurement surfaces and claims 14 and 16-17 are merely rewritten in independent form to overcome an objection to the claims and place the claims in condition for allowance; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

Claims 14 and 16-17 Objected to but Deemed Allowable

Applicant respectfully acknowledges and appreciates the indication by the Examiner that claims 14 and 16-17, although objected to for being dependent on a rejected base claim (i.e., claim 13), would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims (none). Applicant has amended claims 14 and 16-17 to be in independent form by incorporating all of the features recited by base claims 13, thereby placing claims 14 and 16-17 in condition for allowance. Applicant respectfully requests withdrawal of the objection.

Drawings

Applicant respectfully acknowledges and appreciates the indication by the Examiner that the proposed drawing corrections submitted September 30, 2003 have been approved. Applicant respectfully submits the corrected drawings be treated as formal drawings as the September 30 submitted drawings satisfy all requirements for being deemed formal drawings. For the convenience of the Examiner, Applicant submits herein another copy of the corrected drawings as formal drawings.

Claims 13 and 15 Recite Patentable Subject Matter

Claim 13 is rejected under 35 U.S.C. §102(b) as being anticipated by EP 349632 to Frankel et al. (hereinafter "Frankel"). Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Frankel. Applicant respectfully traverses both rejections.

Pending claim 13 recites a gap adjustment apparatus including a first holder for holding a first object having a first measurement surface; a second holder for holding a second object having a second measurement surface, in a manner such that the second measurement surface faces the first measurement surface; a first displacement

gauge for measuring a distance extending from the first displacement gauge to the first measurement surface; a target whose relative position with respect to the first displacement gauge is fixed, the target having a target measurement surface orientated in the same direction as the second measurement surface; a second displacement gauge for measuring distances extending from the second displacement gauge to the second measurement surface and to the target measurement surface; and a moving mechanism for moving the first holder and the second holder to alter a gap between the first measurement surface and the second measurement surface, wherein when the gap between the first measurement surface and the second measurement surface is altered, a gap between the second displacement gauge and the target measurement surface is not altered.

As noted above, pending claim 13 recites the present invention includes a moving mechanism, which moves both the first and second holders to alter a gap between first and second measurement surfaces and that when the gap between the first measurement surface and the second measurement surface is altered, a gap between the second displacement gauge and the target measurement surface is not altered. Applicant respectfully submits Frankel does not teach or suggest such features. Rather, Applicant respectfully submits that when a gap between the first object (mask) 38 and second object (substrate) 50 is changed in Frankel, a gap between the second displacement gauge (sensor) 76 and target (wafer) 40 also changes.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Frankel does not disclose or suggest each and every feature recited by pending claim 13. Therefore, Frankel does not anticipate or render obvious the invention recited by pending claim 13. Accordingly, Applicant respectfully submits pending claims 13 should be deemed allowable.

With respect to claim 15, Applicant respectfully submits the Office Action has not established *prima facie* obviousness of rejected claim 15 since Frankel does not teach or suggest each and every feature recited by claim 15, e.g., the moving mechanism which moves both holders, as required by M.P.E.P. §2143.03. See also *In re Royka*, 490 F.2d 981 (CCPA 1974).

Claim 15 depends from claim 13. It is respectfully submitted that this dependent claim should be deemed allowable for the same reasons as claim 13, as well as for the additional subject matter recited therein.

Applicant respectfully requests withdrawal of the rejection.

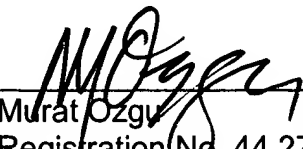
Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejection, allowance of claims 13-17, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107317-00037.**

Respectfully submitted,


Murat Ozgur
Registration No. 44,275

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W.,
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

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Enclosure: Formal Drawings 1, 3-4, and 6A-B

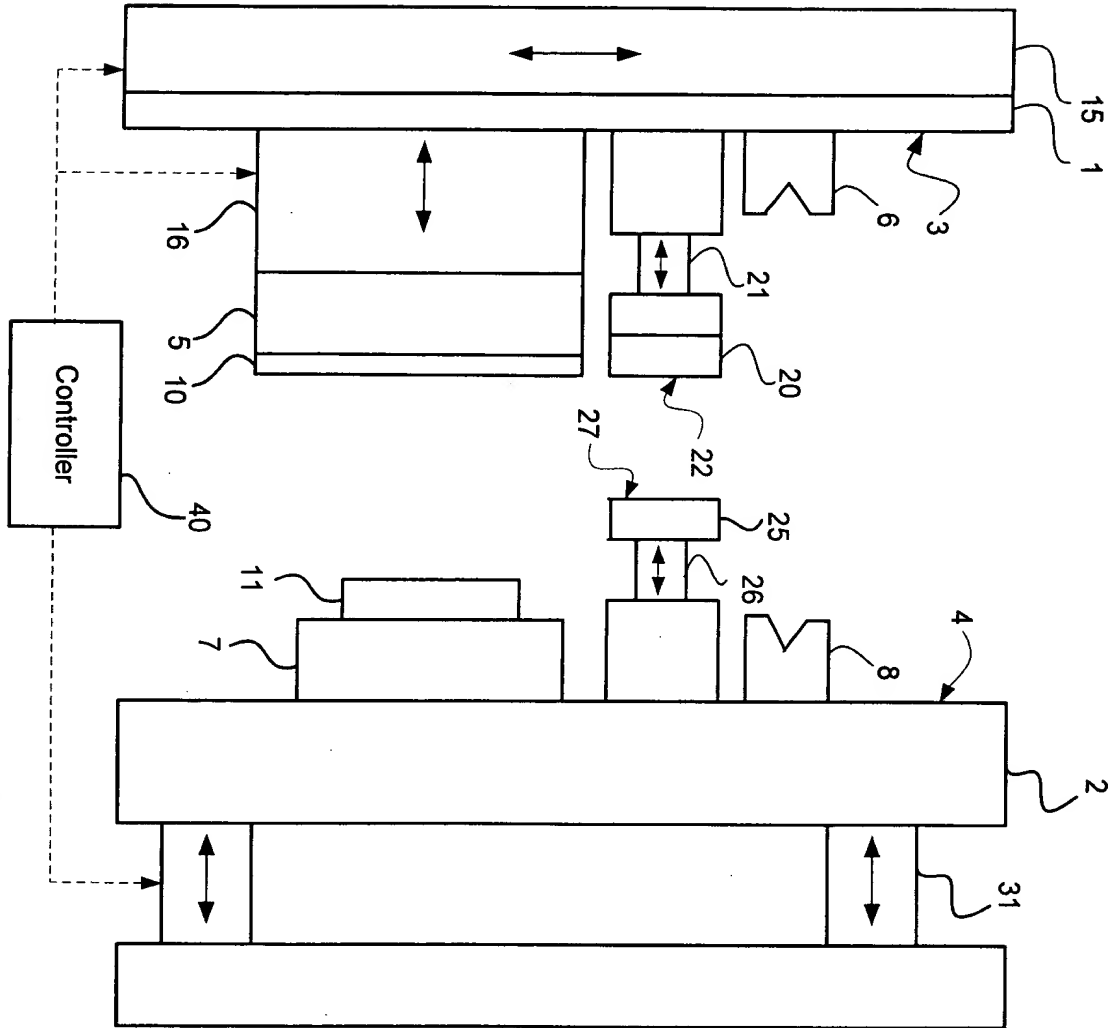


FIG. 1

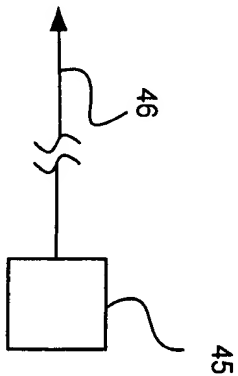
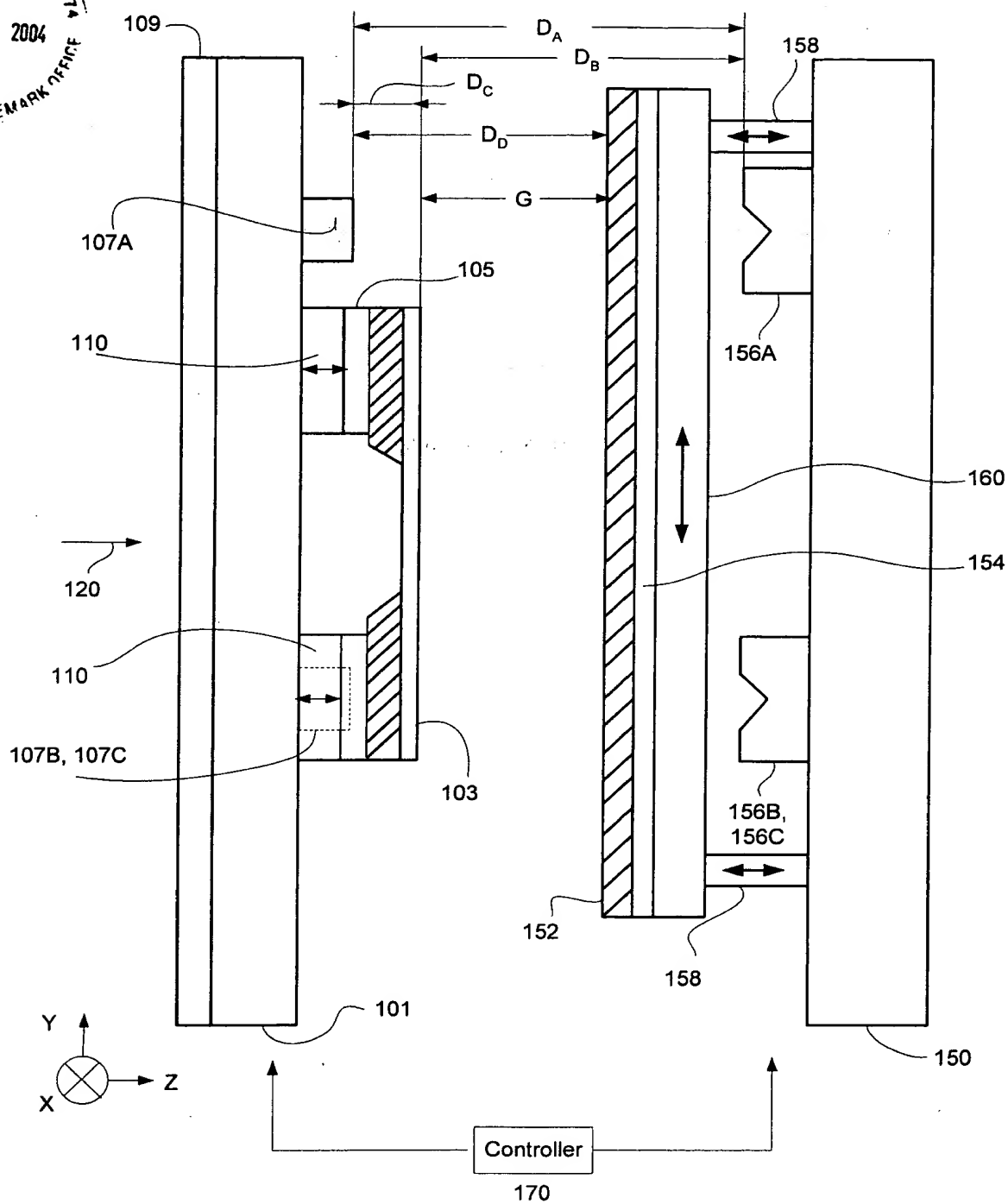


FIG. 3



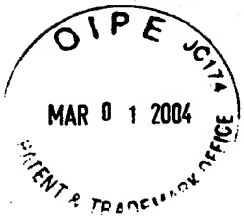


FIG. 4

